COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SANITATION DISTRICT

NO. 1 OF SHELBY COUNTY (1) FOR A

CERTIFICATE THAT PUBLIC CONVENIENCE AND
NECESSITY REQUIRES THE CONSTRUCTION OF
SANITARY SEWER FACILITIES; (2) SEEKING
APPROVAL OF THE ISSUANCE OF CERTAIN
SECURITIES; AND (3) SEEKING APPROVAL
OF SERVICE RATES AND CHARGES

)

ORDER

On July 16, 1987, after a motion by Sanitation District No. 1 of Shelby County, the Commission dismissed this case without prejudice. However, the District was ordered to refile its application for authority to construct new facilities, issue securities to finance such construction, and to adjust service rates and charges.

After the District indicated a refusal to refile the application as ordered, an action to enforce the Order was brought in the Franklin Circuit Court. On October 28, 1987, the Court denied the Commission's motion for enforcement, holding that KRS Chapter 220 takes precedence over KRS Chapter 278 to the extent that there exist conflicts between the statutes.

The Commission finds that it is unable to compel Sanitation District No. 1 of Shelby County to seek the approval of this Commission for its proposed construction project. The District is

not required to seek any further approval from this Commision.

For these reasons this case should be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 3rd day of December, 1987.

PUBLIC SERVICE COMMISSION

Chairman Vice Chairman

Sommissioner Milliams

ATTEST:

Executive Director